

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RAFAEL RASHAD ADAMS,

Plaintiff,

V.

**NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES,**

Defendant.

8:14CV365

MEMORANDUM AND ORDER

RAFAEL RASHAD ADAMS,

Plaintiff,

V.

**NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES,
N.D.C.S., DR. MARY FLEARL,
CHRISTINA FERGUSON, Dr., and
DR. RANDY T. KHOL,**

Defendants.

8:14CV408

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's correspondence dated March 2, 2015, filed in the above-captioned cases. Plaintiff asks the Court why one of his cases was dismissed for failure to pay the initial partial filing fee. He sets forth that he has paid the initial partial filing fee. Plaintiff also sets forth that he "received a letter back in January saying that [his] two cases have combined." (See Case No. 8:14CV365 at Filing No. 14; Case No. 8:14CV408 at Filing No. 13.)

The Court's records reflect that the Court dismissed Case Number 8:14CV365 on February 12, 2015, because Plaintiff failed to pay the initial partial filing fee and failed to show cause for his failure to do so within the dates specified by the Court. (See Case No.

8:14CV365 at Filing No. 12.) The Court's records also reflect the Court received the initial partial filing fee from Plaintiff on the same date the Court dismissed the case for failure to pay. (See Case No. 8:14CV365 at Text Entry dated February 12, 2015.) Finally, the Court's records reflect that no order consolidating Plaintiff's two cases has been entered. Indeed, on January 14, 2015, the Court reassigned Case Number 8:14CV408 to the undersigned judge for disposition, but did not *consolidate* the two cases. Rather, as explained to Plaintiff in an order dated January 15, 2015, Plaintiff filed two separate civil actions for which he must pay two separate filing fees. (See Case No. 8:14CV365 at Filing No. 10; Case No. 8:14CV408 at Filing No. 11.)

On the Court's own motion, because Plaintiff has now paid the initial partial filing fee, the Court will direct the Clerk's Office to reopen Case Number 8:14CV365.

As for Case Number 8:14CV408, no initial partial filing fee has been received and, in accordance with the Court's order dated March 2, 2015, Plaintiff must show cause why his case should not be dismissed for failure to pay the initial partial filing fee. (See Case No. 8:14CV408, Filing No. 12.) Plaintiff's response to the order to show cause is due April 1, 2015. Accordingly,

IT IS ORDERED:

1. The Clerk's Office is directed to reopen Case Number 8:14CV365 in accordance with this Memorandum and Order. The next step in Case Number 8:14CV365 will be for the Court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2). The Court will conduct this initial review in its normal course of business.

2. Case Number 8:14CV408 remains pending. However, as previously ordered, Plaintiff must show cause why the case should not be dismissed for failure to pay the initial partial filing fee. (See Case No. 8:14CV408, Filing No. 12.) Plaintiff's response to the order to show cause is due April 1, 2015.

3. The Clerk's Office is directed to terminate the motion events at Case Number 8:14CV365 at Filing No. 14, and Case Number 8:14CV408 at Filing No. 13.

DATED this 5th day of March, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge